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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Federal-State Joint Board on ) CC Docket No. 96-45  
Universal Service )

DOCKET FILE COPY ORIGINAL

ERRATUM

Southwestern Bell Telephone Company (SWBT) files this Erratum to its "Responses of Southwestern Bell Telephone Company to the Questions Posed by the Joint Board" filed on August 2, 1996 (Response). After preparing the service copies of the Response, SWBT discovered several typographical and other errors in the Summary and a few in the Response. To correct those errors, SWBT submits the attached revised Summary and Response pages and requests that they be substituted for the original.

Neither the original Response nor the corrections made through this Erratum take into account the Commission's adoption on August 1, 1996, of an order in *Implementation of the*

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*Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98.

Respectfully submitted,

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## **SUMMARY\***

### **Definitions Issues**

While current local exchange rates are not unaffordable, affordability is best measured by identifying customers' ability to bear the cost of providing service. The implicit support mechanisms in LEC rates need to be eliminated by rate rebalancing to ensure customers pay more of the costs of their service. Subscription levels alone are not a good gauge of determining affordability. Instead, universal service expenditures should be seen as a household expenditure and measured as a percentage of median income. Based upon comparisons with other household expenditures, SWBT submits that 1.0% of a State's median income represents a reasonable level of expenditures for universal service. Although some allowance may need to be made initially, denying universal service support to carriers that do not provide all services within the definition of universal service is required by the Act and does not harm competition inasmuch as each new entrant determines when, where, and how it will provide service. There are many costs not included within the typical understanding of loop costs that are incurred in order to provide local exchange service.

### **Schools, Libraries, Health Care Providers**

If a "funds to schools and libraries" approach is used, then the discount could effectively apply to all telecommunications services, as well as provide schools and libraries with greater flexibility. If a discount approach is used, the services should be limited due to the regulatory difficulties that would be encountered with such an approach. The use of "telecommunications service" throughout Section 254(h) excludes inside wire or other connections on the customer's side of the network demarcation point from funding under the Act. As a policy matter, including such wiring would not be competitively neutral even under a "funds to schools and libraries" approach. The Joint Board should employ Sections 706 and 708 to create the right environment for schools and libraries by encouraging regulatory reform that will make advanced services more attractive for carriers to provide.

In order to promote increased competition for the telecommunications business of schools and libraries while minimizing regulatory involvement, a "funds to schools and libraries" approach should be adopted. However, the Act is clear that libraries, schools, and health care providers cannot resell services made available under Section 254. Moreover, if allowed, there is simply no effective way to attribute network usage to different entities. Using block grants to the States seems to place an unnecessary step into the "funds to schools and libraries" approach that will only work contrary to the goals of the Act. An electronic account system could alleviate accountability concerns regarding the use of universal service funding for schools and libraries. To ensure bona fide requests for Section 254(h) funding, States should prepare lists of qualified schools for the fund administrator, who could use a simplified form to verify the existence of a technology plan and provide information regarding progress in meeting the Act's goals. Adoption of a "funds to schools and libraries" approach would eliminate the difficult and unanswerable questions regarding benchmark pricing and costing. Schools and libraries would be free to purchase services in a competitive marketplace, which would find them to be attractive customers. Issues on how to provide further discounts in those States that already make discounts available

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\* The abbreviations used in this Summary are as defined in the main text.

would disappear with adoption of a “funds to schools and libraries” approach. SWBT is also supplying an attachment with those educational and health care plans adopted by States in its region.

SWBT supports providing additional assistance to economically disadvantaged schools and libraries and those which face high telecommunications costs. Given funding limitations, however, the need should not be presumed. Existing programs directed at need could be used, and many factors (e.g., numbers of school buildings, students, economically disadvantaged students) could be taken into account. A separate fund should be established although funded with a single surcharge on interstate retail revenues. The McKinsey Report would be a reasonable basis on which to size the fund. For private schools, extrapolating from existing studies on public schools may be the best method of estimating private school costs.

### **High Cost Fund**

**General Questions:** The current USF meets the principles of the Act and, with the exception of Tier I LEC funding, is properly targeted and sized. However, the method of funding USF and LTS should be modified to be consistent with the Act. The use of study areas should also be modified, with steps taken to ensure that, as an incumbent LEC which receives funding enters the service areas of another LEC, USF funding is not extended to that new area. Actual costs should be used for determining universal service support, with new entrants demonstrating a need for support, capped at the level provided to the incumbent LEC. The Act makes no distinction between price cap LECs and other LECs, and any distinction under Section 254 would be contrary to the law, unreasonable, arbitrary, capricious, an abuse of discretion, and violate the substantive due process and/or equal protection rights of price cap LECs. Neither a proxy cost model nor competitive bidding are appropriate, and neither should be mandated as either a transition method or final solution.

**Proxy Models:** As SWBT has consistently demonstrated, the proposed proxy cost models do not accurately reflect the actual costs of providing universal service, and thus should be rejected by the Joint Board and the Commission. The proposed models have been modified with no significant increase in accuracy, and call into question their validity and credibility. The reasons given for adopting proxy cost models are unsubstantiated and contradict findings of regulatory proceedings made over years. The costs calculated by a proxy model should reflect the definition of universal service and, to date, none of the proposed models explain how that is attempted in the models. Any proxy model would need to be modified as both the universal service definition and technology changes; the use of actual costs eliminates the issue of technology changes. Inasmuch as a proxy model cannot predict the costs that now exist to provide universal service, proxies should not be used for advanced services and information services. Actual costs for all areas and all carriers should be permitted. The proposed proxy models provide no incentive for future infrastructure development. Any proxy model adopted for use with universal service funding must be made public.

**Competitive Bidding:** Competitive bidding is inappropriate as it would invite manipulation by competitors, discourage competition in high-cost areas and construction of facilities, and

would add additional regulatory burdens; if adopted, all winning bidders must be willing to be bound by all of the carrier of last resort and other obligations as the incumbent LEC.

**Benchmark Cost Model:** SWBT is supplying a previous ex parte to demonstrate the difference between the actual cost of providing local service, and the output of the BCM. Using existing wire center data would be advantageous since it already exists. New entrants would not be disadvantaged since resale is an option to serve any part of a universal service area where their own facilities do not exist. The use of a proxy model would require changes to the USF rules and the interstate allocation limit rules.

**Cost Proxy Model Proposed by Pacific Telesis:** SWBT is not sufficiently familiar with CPM, but intends on supplying input after its analysis of CPM is complete.

#### **SLC/CCLC**

The interstate CCL recovers costs properly borne by the end user, but today recovers for SWBT \$314 million annually from toll users. Of that, \$36 million annually represents recovery of LTS. The net amount that SWBT retains is used to recover common line costs on an averaged basis. As demonstrated by SWBT, those revenues are largely generated in the low-cost metropolitan areas, but recover costs incurred in high-cost areas. SWBT recommends recovering the common line costs on a flat-rate basis, including phased-in increases to the interstate EUCL and recovering any remaining common line costs from the new universal service fund. If this approach is not used, then other alternatives would be necessary, including bulk billing, and flat-rating and deaveraging CCL charges. Under any circumstances, LTS should be removed from the contributing LECs' CCL charges.

#### **Low-Income Consumers**

Funding for Lifeline and Linkup in all areas should be made explicit, with rule changes made to accommodate different rates and rate structures.

All carriers should have the option to present book costs. There should be no artificial or arbitrary conditions on the ability of a carrier to seek such a waiver. The question demonstrates the problem with proxies in determining which number is correct. Attachment 1 shows a limited comparison of some of the data presented in connection with this proceeding. This Attachment addresses the question "Which Cost is Right?"

44. How can a proxy model be modified to accommodate technological neutrality?

Unless a proxy model can adequately replicate actual costs, its use is inappropriate. Absent such a demonstration, SWBT does not believe the models should simply be modified for the sake of being able to say technological neutrality was somehow taken into account.

45. Is it appropriate for a proxy model adopted by the Commission in this proceeding to be subject to proprietary restrictions, or must such a model be a public document?

All data and the proxy model must be available to the public. The data and calculations used in the USF are publicly available, and still unfounded allegations are made and concerns expressed that the process is being "manipulated." One of the alleged reasons for developing a proxy was to create a publicly available process and set of data that would not be susceptible to manipulation, and which would theoretically provide for portable support to all incumbent LECs and new entrants on the same basis. Presumably, each participant should have the right to verify that inputs and calculations pertaining to its area are correct. Proxy models must be completely public to provide a competitively neutral basis for distributing universal service funds. Even thinking that a proxy would be allowed to contain information not available to public access and review would run counter to the existing, though unfounded concerns about the use of company-

CERTIFICATE OF SERVICE

I, Regina Minor, hereby certify that the foregoing "Erratum" in CC Docket No. 96-45, has been served this 5th day of August, 1996 to the Parties on the attached service list.

  
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